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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,397

09/22/2006

Yoshinori Ohmuro

FUJI:389

3698

37013 7590 11/25/2009
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EXAMINER

THOMPSON, JEWEL VERGIE

ART UNIT

PAPER NUMBER

2855

NOTIFICATION DATE

DELIVERY MODE

11/25/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail@rkmlegalgroup.com

Office Action Summary	Application No. 10/598,397	Applicant(s) OHMURO ET AL.	
	Examiner JEWEL THOMPSON	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/06, 4/20/07, 5/5/08</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuda et al. (4,545,244)

Regarding claim 1, Yasuto et al teaches a doppler type ultrasonic flow meter for measuring the volumetric flow of a measurement object fluid using doppler shift of ultrasound (abstract), characterized in that the doppler type ultrasonic flow meter has 1 pair of ultrasonic transducers for performing transmission of ultrasound and receiving of an ultrasound echo of reflected ultrasound, the 1 pair of ultrasonic transducers (6,8,11 and 12) are disposed on an extension line of a measurement line for performing measurement of doppler shift (abstract), symmetrically about the center axis of a pipe with a measurement object fluid flowing through its inside, and on the outside of the pipe (fig. 3), and a flow profile for the side opposite, with respect to the center axis of the pipe, the side on which the respective ultrasonic transducer is disposed is used for the calculation of the volumetric flow of the measurement object fluid (abstract, col. 2, lines 13-27).

Regarding claim 2.Yasuto et al teaches the ultrasonic transducers forming the pair, after ultrasound from a first ultrasonic transducer is radiated into the pipe and a

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flow profile for the opposite side with respect to the center axis of the pipe from the side on which the first ultrasonic transducer is disposed is calculated, ultrasound is radiated into the pipe from the second ultrasonic transducer, and a flow profile for the opposite side from the side on which the second ultrasonic transducer is disposed is calculated (abstract, col. 2, lines 13-27).

Regarding claim 3, Yasuto et al teaches the ultrasonic transducers forming the pair, after ultrasound is radiated into the pipe alternately from the first ultrasonic transducer and from the second ultrasonic transducer, with respect to the center axis of the pipe, flow profiles are respectively calculated for the opposite sides from the sides on which the first ultrasonic transducer and the second ultrasonic transducer are disposed (col. 2, lines 13-27)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- | | |
|-----------|---|
| 6,928,369 | Kishimoto et al teaches a ultrasonic current meter comprising a pair of ultrasonic transducers. |
| 7,509,878 | Sato et al teaches an ultrasonic Doppler flow measurement system |
| 7,415,893 | Takeda et al teaches a Doppler ultrasonic flowmeter |
| 7,318,355 | Ishikawa teaches an ultrasonic transducer calculating the doppler shift |

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEWEL THOMPSON whose telephone number is (571)272-2189. The examiner can normally be reached on m-th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lisa Caputo can be reached on 571-272-2388. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEWEL THOMPSON/
Primary Examiner, Art Unit 2855
November 18, 2009